

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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Civil Action No. 05 11317 NMG

U.S. DISTRICT COURT
DISTRICT OF MASS.

Bienvenido I. Lugo-Marchant

Plaintiff,

v.

**Peter Tsickritzis, Kevin Kingston,
and United Liquors Limited et al.,**

Defendants

**FIRST SET OF INTERROGATORIES PROPOUNDED BY THE PLAINTIFF TO
DEFENDANT - WILHAM NAGLE**

Plaintiff, Bienvenido I Lugo-Marchant, hereby propounds the following interrogatories to Defendant, Wilham Nagle, to be answered fully, separately, in writing and under oath.

INSTRUCTIONS

In answering these interrogatories, Defendant-Wilham Nagle, should follow the same instructions given to the Plaintiff by the defendant when demanding from him answers to the **First Set of Interrogatories** sent by the defendant, their legal representatives and counsel.

DEFINITIONS

As used herein, the terms used in these interrogatories shall have the same meaning as in the terms given to the Plaintiff when demanding from him answers to the **First Set of Interrogatories** sent by the defendant, their legal representatives and counsel.

INTERROGATORIES

1. With respect to the person answering these Interrogatories, please state:

- a. Name;
- b. Address(es);
- c. Residence telephone numbers;
- d. Job title;
- e. Name of superiors;
- f. Date when started employment with the defendant
- g. Salary; and
- h. Marital status [name of spouse]

2. For each facility maintained by defendant where plaintiff was employed, state:
 - a. Its name
 - b. Location
 - c. Duties performed and/or responsibilities fulfilled by employees in each category since 1999 until termination of work
 - d. The rate(s) of pay for each category or sub-category;
3. For each facility identified in the answer to Interrogatory 2, state in detail:
 - a. The present rate of pay for each category or subcategory
 - b. The number of all white employees
 - c. The number of all non-white
 - d. Spanish-surnamed employees
 - e. All other minorities (Asian, American Indian, Haitian, Caribbean Island)
4. For each of the categories or sub-categories listed in response to interrogatory number three (3), state:
 - a. Whether or not employees assigned to this job category or sub-category are ordinarily expected to acquire skills in the performance of their jobs which are considered essential to the performance of higher-paying or more desirable jobs
 - b. The skills expected to be acquired;
 - c. The period of time normally essential for the sufficient acquisition of such skills;
 - d. Whether such a period of time has embodied in a job residency or job tenancy requirements which an employee must complete before being considered for a promotion or transfer;
 - e. The length of any job residency or tenancy requirement, the dates during which it has been in use and each instance in which it has been waived as to any employee or group of employee
 - f. For each waiver, set forth in (e)
 - i. The job category or subcategory in which the employee worked at the time of the waiver
 - ii. The date of the waiver
 - iii. The job category or sub-category to which that waiver lead
 - iv. Whether in fact a promotion was granted

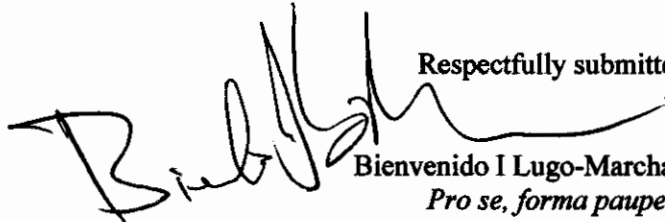
- v. The number of white employee, non-white employee, Spanish-surnamed and all other minority benefited by the waiver.
- 5. State whether the defendant informed the plaintiff that there were alternative means of acquiring skills essential for the performance of the job. If so, describe them. State the cost, if any, to the plaintiff and state the length of time normally required to acquire such skills by these alternative means.
 - a. Identify all documents in defendant's possession, or subject to its control or of which it has knowledge, which would reflect any of the information requested in interrogatory four (4) and state the portions of such interrogatory to which each document is relevant
- 6. State who requested promotions or transfers and who satisfied the objective criteria established by defendant to determine whether an employee will be promoted or transferred, regardless of whether the job sought was available, indicating the exact figure for:
 - a. The number of all white employees;
 - b. The number of all non-white employees;
 - c. Spanish-surnamed employees;
 - d. All other minorities (Asian, American Indian, Haitian, Caribbean Island) with foreign ancestry or multilingual;
 - e. Identify all documents in defendant's possession, subject to its control or of which it has knowledge, which would reflect any of the information requested in this interrogatory and state the portions of such interrogatory to which each document is relevant.
- 7. State the date, place and reason for plaintiff's termination or otherwise not being considered as an employee for the defendant. Please attach without a formal motion to produce documents:
 - a. Any procedures, guidelines, etc. for determining the ability of an employee to work for the defendant;
 - b. Whether any oral or written warnings were issued to the plaintiff concerning any matter related to the reasons (s) for the plaintiff's termination and attach relevant copies of them;

- c. Whether the plaintiff's letter asking for a religious accommodation influenced the defendant;
8. State the following information for each person who participated in the decision to avoid using the plaintiff as an employee and indicate the role in that decision:
 - a. Name
 - b. Title
 - c. Address
 - d. Race, sex-gender, national origin, ancestry
9. State whether the defendant made any communication with any person(s), company (ies) in connection with the plaintiff. If so, further state:
 - a. The names and addresses of such
 - b. The substance of said communications
 - c. Relation to this legal action
10. State whether the plaintiff ever complained of receiving discriminatory treatment on the job. If yes, specify the nature of the complaint(s), date(s) of the complaint (s) and explain what was done, if anything, in response to the complaint(s).
11. Identify any and all discrimination suits, complaints, and legal actions commenced in the Commonwealth of Massachusetts from 1996 to the present where the defendant was named as a party.
12. Please state what knowledge, in relation to the plaintiff, does the defendant have about the ADA, the CRA Title VII, the Fair Labor Standards Act and the FMLA. Further, define disability and race.
13. State, separately for each facility and for each job category listed in response to Interrogatory number four (4):
 - a. Each objective criterion, other than performance on a written or manual test, that has been a factor of evaluation considered in connection with the hiring applicants for, or the initial assignment of new hires to such job category at any time since 1999;

- b. The periods during which each such criterion has been in use;
- c. The weight given to each such criterion.

14. Describe in detail any and all income earned by you from January 1st, 1996 to the present, including personal estate, real estate, the amount of income, the source of income and the date the income was earned. Please attach, if you will do so without a formal motion for production, a copy of the W2's by the defendant to the plaintiff.

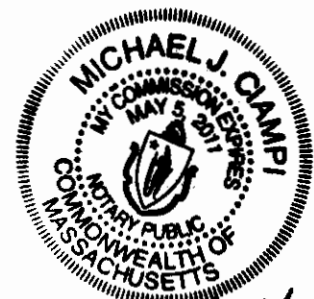
15. Identify each person who defendant or a representative thereof has contacted in connection with this matter, but whom defendant does not intend to call as a witness at trial for this matter.


Respectfully submitted,
Bienvenido I Lugo-Marchant
Pro se, forma pauperis

CERTIFICATE OF SERVICE

I hereby certify that on April ¹⁴, 2006, this document was served upon the defendant's counsel, JACKSON LEWIS, by first class mail, postage paid and by fax.

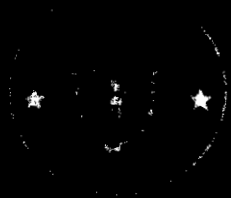
On this 14TH day of APRIL, 2006, before me, the undersigned notary public, personally appeared BIENVENIDO LUGO-MARCHANT proved to me through satisfactory evidence of identification, which were MASS LICENSE, to be the person whose name is signed on the preceding or attached document and swore or affirmed to me that the contents of the document are truthful and accurate to the best of his/her knowledge and belief.



By 

Version 2.0

Commercial
Driver's
License Manual



Commonwealth of Massachusetts
Registry of Motor Vehicles
PO Box 199100
Boston, MA 02119-9100



MASSACHUSETTS REGISTRY OF MOTOR VEHICLES A MESSAGE FOR COMMERCIAL DRIVERS




The purpose of this manual is to assist you as a driver in preparing for, and successfully completing, both the written and skills test needed to gain a commercial license. It helps you hone existing abilities and learn new ones needed to guarantee your safety and the safety of all people you come in contact with on our highways.

The Commercial Motor Vehicle Safety Act requires Massachusetts to utilize the national system for testing and licensing commercial drivers. The result is a Commercial Driver's License (CDL) which addresses the fact that professional drivers need specialized knowledge and skills to safely operate large vehicles or transport hazardous materials and/or large numbers of passengers. The law, in addition to requiring all commercial vehicle operators to maintain a CDL license, also helps us exchange useful information about commercial drivers with other states.

The trucking industry in Massachusetts employs more than 212,000 people. There are more than 12,000 Massachusetts Commercial Motor Bus drivers. And there are approximately 18,000 School Bus drivers who transport an estimated 500,000 school children daily. As you can see, the impact that you as a Commercial Driver have is enormous. Please respect the law and join with us to make our roads safer.

Daniel A. Grabauskas
Registrar

MASSACHUSETTS COMMERCIAL DRIVERS LICENSE CLASSIFICATION

WITH THIS CLASS LICENSE	YOU MAY DRIVE	RELATED ENDORSEMENTS
A	<p>Any combination of vehicles with a GVWR of 26,001 or more pounds provided the GVWR of the vehicle(s) being towed is in excess of 10,000 pounds. (Holders of a Class A License may, with any appropriate endorsements, operate all vehicles within Classes B and C).</p> <p>Examples include, but are not limited to:</p> 	<p>Double/Triple Trailers Tank Vehicles Tank Vehicles with HAZMAT HAZMAT Passenger Transport Vehicles</p>
B	<p>Any single vehicle with a GVWR of 26,001 or more pounds, or any such vehicle towing a vehicle not in excess of 10,000 pounds GVWR. (Holders of a Class B License may, with any appropriate endorsements, operate all vehicles within Classes B and C).</p> <p>Examples include, but are not limited to:</p> 	<p>Tank Vehicles Tank Vehicles with HAZMAT HAZMAT Passenger Transport Vehicles</p>
C	<p>Any single vehicle that is less than 26,001 pounds GVWR, or any such vehicle towing a vehicle not in excess of 10,000 pounds GVWR, that is placarded for hazardous materials or designed to transport 16 or more persons, including the operator.</p> <p>Examples include, but are not limited to:</p> 	<p>Tank Vehicles Tank Vehicles with HAZMAT HAZMAT Passenger Transport Vehicles</p>

The vehicle in which you will take the road skills test must meet the written description for that class. If you wish to be licensed to drive a vehicle with air brakes, the vehicle in which you will be tested must be equipped with air brakes. The above vehicle silhouettes typify, but do not fully cover, the types of vehicles falling within each class. To operate a school bus, drivers are required to obtain a specific certification, in addition to the appropriate class and endorsement of CDL license.



The Commonwealth of Massachusetts
Registry of Motor Vehicles
P.O. Box 199100
Boston, MA 02119-9100

CDL ROAD TEST INFORMATION SHEET

****Please read the following information before scheduling your road test exam****

To book a road test call 617-351-4500 (from the 781 area code) or 800-858-3926 from the 413, 508, and 978 area code.

You *MUST*

- ☒ Have a valid CDL permit, with proper endorsements for the vehicle used.
- ☒ Have a valid Department of Transportation (DOT) medical card or medical waiver.*
- ☒ Have a current driver's license, if you are seeking additional endorsements.
- ☒ Have a completed road test application. (If you answer YES to question 4 or 5 on the road test application, the application must be approved by an RMV branch manager or an authorized RMV employee before the road test.)
- ☒ Be accompanied by a sponsor who:
 - Is at least 21 years old.
 - Has a valid CDL license with proper endorsements for the class of vehicle that you are using.
 - Has a current DOT medical card or be subject to a fine.* (The test, however, will still proceed.)
- ☒ Be on time for the skills test. If you are late, you will not be examined (you will be rejected).

If you must cancel or reschedule your appointment with less than 24 hours notice, you will be responsible for the skills test fee.

Your vehicle *MUST*

- ☒ Represent the type of vehicle you will be driving when you receive your CDL.
- ☒ Be able to pass a safety check. Vehicles with unstable, dangerous, or HAZMAT loads will be rejected.
 - Vehicle must be completely free of hazardous material.
- ☒ Have a valid registration and inspection sticker.
- ☒ Have adequate seating next to the operator for the use of the examiner.
- ☒ Have a manufacturer's gross vehicle weight rating (GVWR) for the class of license for which you are applying. If there is no GVWR on the vehicle, you must have a document from the manufacturer or a motor vehicle dealer proving the GVWR.

*A DOT medical card is not required for a state or municipal employee using a state or municipal vehicle.

(continued)

Directions to CDL Road Test Sites

This list is subject to change. Please call the Phone Center at (617) 351-4500 or (800) 858-3926 (from the 413/508 area codes) for a list of road test sites. The Phone Center is open weekdays from 9am to 7pm.

Dartmouth DPW (1111)

The test site is on Faunce Corner Road in North Dartmouth. Take Route 1-195 to the North Dartmouth exit. As you come off the exit, the DPW is on the left, just before the railroad tracks.

Deerfield (South) (1106)

From exit 4 off the Mass Pike, follow route 91 North to exit 24 (Deerfield, Routes 5 & 10N). Take the first right at the Citgo station onto Route 116. The test site is approximately 3/4 miles on your left, hidden by trees.

Devens (Ayer) (1159)

From Route 2, take exit 37 (Devens). Enter Jackson Gate which becomes Jackson Road. Stay on Jackson Road one mile (to the end), turn right onto Givry Street and take a left at the fork onto Queenstown Street. Travel 2 tenths of a mile and turn right at (the Second Motor Pool) Building 603 (1378th Logistics Support Battalion) Motor Pool.

Everett MBTA Repair Station (1167)

Route 99 traveling south just beyond Route 16 or traveling traveling north prior to Route 16, at lights turn onto Bowdoin Street. Left on Charlton Street follow to end.

Lenox DPW (1107)

From East 2 off the Mass Pike, go North on Routes 7/20 to the junction of Routes 7/20 and Route 7A. The test site is on your left.

Methuen National Guard Armory (1168)

From Route 93 take exit 46 (Routes 110/113). Travel Route 110 for approximately 4 miles, Armory will be on the right.

Newbury DPW (1109)

Take 1-95 North to the Scotland Road exit. Follow Scotland Road approximately one half mile past the State Police Barracks. The test site will be on your left.

Otis AFB (1154)

Cross the Bourne Bridge onto Cape Cod. Follow Route 28 South to the Route 151 exit. Turn right onto Route 151. Turn Left onto Sandwich Road to the Falmouth Gate. Go left through the gate onto the Base. Turn left onto Kitteredge Road, then right onto Generals Boulevard. Turn left into the transfer station to the test site.

Springfield (East) Army Reserve Center (1105)

From Mass Pike take exit 6 (Springfield) and go left at the end of the ramp onto Route 291 West to East Springfield. Follow to exit 5 onto Page Boulevard. At intersection with lights, take right turn at Roosevelt Ave. which will merge into East St. About 1/2 mile down on right is the Army Reserve Center for the CDL test site.

If coming from Route 91 to 291, go East to the East Springfield exit 5B onto Page Boulevard. Then follow the directions in the previous paragraph.

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